

EXHIBIT 1

ORAL AND VIDEOTAPED DEPOSITION OF
ROBERT SALINAS

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
 HOUSTON DIVISION
3 ROBERT SALINAS)
)
4 VS.) CIVIL ACTION NO.
) 4:14-CV
5 KROGER TEXAS, L.P.)

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11 ORAL AND VIDEOTAPED DEPOSITION OF
12 ROBERT SALINAS
13 JUNE 2, 2015
14 VOLUME 1 OF 1
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20 ORAL DEPOSITION OF ROBERT SALINAS, produced as a
21 witness, duly sworn by me at the instance of the
22 Defendant, taken in the above-styled and numbered cause
23 on June 2, 2015, from 9:59 a.m. to 5:12 p.m., before
24 Mylinda Tubbs Faircloth, Certified Shorthand Reporter
25 No. 2896 in and for the State of Texas, via machine
shorthand, at Caycedo Law, 14090 Southwest Freeway,
Suite 300, Sugar Land, Texas 77478, pursuant to the
Federal Rules of Civil Procedure and any provisions
stated on the record.

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1 1 A. Rosenberg-Richmond area. They -- they closed
 2 2 down already.
 3 3 Q. Is that the one that was on 59 or a different
 4 4 one?
 5 10:34 5 A. On Highway 90.
 6 6 Q. Okay. When did you work on the night crew at
 7 7 Gerland's?
 8 8 A. I worked -- I worked, like, in the morning
 9 9 with Kroger's.
 10 10:34 10 Q. Right.
 11 11 A. And then in the evenings I would work that
 12 12 overnight shift.
 13 13 Q. I'm sorry, that was a bad question.
 14 14 Like, what time frame was this, when you
 15 10:34 15 were younger or how long ago was this?
 16 16 A. Oh, I was younger.
 17 17 Q. Okay.
 18 18 A. I was much younger.
 19 19 Q. Like, how many years ago do you think?
 20 10:34 20 A. Oh, let me see. Oh, long time, long time.
 21 21 Like 25, 27 years ago.
 22 22 Q. How long did you work for Gerland's?
 23 23 A. I only worked for Christmas money, that's it,
 24 24 to help me buy presents for my kids.
 25 10:35 25 Q. How long --

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1 1 A. It was for only, like, maybe two -- two, three
 2 2 months, that's it.
 3 3 Q. Did you -- did you quit?
 4 4 A. Yes, I quit.
 5 10:35 5 THE REPORTER: (Sneezing.)
 6 6 MR. BARRON: Bless you.
 7 7 THE WITNESS: Bless you.
 8 8 A. I quit.
 9 9 Q. (By Mr. Barron) Any other jobs?
 10 10:35 10 A. No, sir.
 11 11 Q. We've covered all the jobs that you -- that
 12 12 you can recall?
 13 13 A. Yes, sir.
 14 14 Q. Do you have a Facebook account?
 15 10:35 15 A. No.
 16 16 Q. You don't use Facebook at all?
 17 17 A. I don't know how to do Facebook.
 18 18 Q. It's -- I find that it's a little compli --
 19 19 more complicated than people think.
 20 10:35 20 A. I don't know how to do that.
 21 21 Q. I agree with you. Do you have a My Space or
 22 22 Twitter or any of those types of accounts?
 23 23 A. No, sir. I don't know how to do that.
 24 24 Q. Okay. Do you have a cell phone?
 25 10:36 25 A. Yes.

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1 1 Q. Do you have -- do you have any family members
 2 2 that use Facebook that you know of?
 3 3 A. Yeah. My kids. Maybe my kids and my nieces,
 4 4 they probably -- probably do it.
 5 10:36 5 Q. Okay. Do they communicate with you via
 6 6 Facebook at all?
 7 7 A. And my cousin Arnold, he does Facebook.
 8 8 Q. Okay. But do they -- to your knowledge, do
 9 9 they post anything on Facebook about you?
 10 10:36 10 A. That I know, maybe my son, they might take a
 11 11 picture of me working right next to a car or something,
 12 12 one of those -- my cars or something; but that would be
 13 13 the only thing. I don't -- I don't know how to do
 14 14 Facebook.
 15 10:36 15 Q. Okay. I want to talk to you about
 16 16 Mr. Castillo that you worked with at Kroger. Do you
 17 17 know who I'm talking about?
 18 18 A. Yes, sir.
 19 19 Q. He's the one that -- that you're alleging put
 20 10:37 20 a knife to your throat --
 21 21 A. Yes, sir.
 22 22 Q. -- in April 2012. I want to know the first
 23 23 time you met Mr. Castillo.
 24 24 A. The first time?
 25 10:37 25 Q. Yeah.

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1 1 A. I knew of him, but I never -- I didn't -- I
 2 2 didn't have any -- I didn't really talk to him. I knew
 3 3 his cousin.
 4 4 Q. Okay. Let's talk about that.
 5 10:37 5 A. His cousin Ralph, his cousin Ralph, he lives,
 6 6 like, down the street from my house. They -- they
 7 7 bought a house on the street. I know his cousin.
 8 8 Q. Okay. So David Castillo's cousin is Ralph?
 9 9 A. Palacios.
 10 10:37 10 Q. Palacios? Palacios.
 11 11 A. Uh-huh.
 12 12 Q. Okay.
 13 13 A. That's his cousin. He's got a cousin named
 14 14 Robert and Becky. They all are living in that same
 15 10:38 15 house with their mom and dad.
 16 16 Q. How long have you known Ralph Palacios?
 17 17 A. A long time.
 18 18 Q. Because you live on the same --
 19 19 A. I went to school with -- well, me and Robert,
 20 10:38 20 too. Robert -- I went to school with Robert. I think
 21 21 Ralph might be a little bit older than me, maybe about a
 22 22 year older than me.
 23 23 Q. Okay. Just so I'm clear, so Ralph Palacios is
 24 24 David Castillo's cousin and he lives on your same
 25 10:38 25 street?

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1 1 A. But farther down the road.
 2 2 Q. Okay.
 3 3 A. Not -- not on my same street -- yeah, but
 4 4 farther down.
 5 10:38 5 Q. Okay. And then there's Robert, who -- who's
 6 6 his --
 7 7 A. That's his brother. I mean, that's Ralph's
 8 8 brother.
 9 9 Q. That's Ralph's brother?
 10 10:38 10 A. Uh-huh.
 11 11 Q. And they're both cousins of Castillo?
 12 12 A. Yes, and Becky. Becky got married and --
 13 13 Becky got married. I think Ralph -- I think Ralph is
 14 14 single. And Robert, I think Robert -- I'm not a hundred
 15 10:38 15 percent -- I don't know if he's married or not.
 16 16 Q. And you said you went to school with who?
 17 17 A. Robert and Becky.
 18 18 Q. Are you talking, like, all the way through
 19 19 school, like elementary school, junior high, that kind
 20 10:39 20 of thing or --
 21 21 A. Yeah, and junior high.
 22 22 Q. Junior high?
 23 23 A. Yeah. And high school a little bit, because I
 24 24 didn't finish school.
 25 10:39 25 Q. Right. When -- when you were going to school

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1 1 with them, did they ever talk about David Castillo?
 2 2 A. No.
 3 3 Q. Did you know who he was?
 4 4 A. At that time, huh-uh, I didn't know about him
 5 10:39 5 until later.
 6 6 Q. Do you know if David Castillo grew up in the
 7 7 Richmond-Rosenberg area, as well?
 8 8 A. Yes.
 9 9 Q. All right. So I'm now -- I'm going to go back
 10 10:39 10 to my original question now where it started. When was
 11 11 the first time you -- you met Mr. Castillo?
 12 12 A. I'm trying to remember. God. Probably
 13 13 through some friends back when he was in his -- his
 14 14 early 20s, you know, like, when he had that ice cream
 15 10:40 15 parlor and all that stuff going on. And -- next to
 16 16 Kroger's, around that time that I knew of him, but I
 17 17 didn't consider him as a real friend because I didn't
 18 18 really know him.
 19 19 Q. But you would have saw him at, like, social
 20 10:40 20 events --
 21 21 A. Yeah.
 22 22 Q. -- out?
 23 23 A. I would see him, yeah, I -- but I didn't
 24 24 know -- I would see him but I wouldn't have any -- I
 25 10:40 25 wouldn't talk to him.

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1 1 Q. But you knew who he was?
 2 2 A. He -- I knew who he was and who he was related
 3 3 to, but I didn't have any contact with him.
 4 4 Q. Okay. So I want to try to get a sense of, how
 5 10:40 5 many times did you run into him at the ice cream parlor
 6 6 or just around town or at -- over at Ralph -- Ralph and
 7 7 Robert's house or anything like that?
 8 8 A. He didn't come very -- I don't know how many
 9 9 times. He -- when we went out there and the other guys
 10 10:40 10 down the street, we went to Ralph's house to play
 11 11 football. And I ain't never seen him out there when we
 12 12 were little. I ain't never seen David out there.
 13 13 Q. Okay.
 14 14 A. We just went and played football.
 15 10:41 15 Q. So prior to -- when was the first time you
 16 16 actually saw Mr. Castillo in the workplace at Kroger?
 17 17 Would that be at Store 10?
 18 18 A. I saw him -- I saw him at -- no, I saw him
 19 19 once at 09.
 20 10:41 20 Q. When you were at 9?
 21 21 A. Uh-huh.
 22 22 Q. Okay.
 23 23 A. I saw him once over there.
 24 24 Q. Okay. Was he also working at 9, or did he
 25 10:41 25 just come into the store?

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1 1 A. I wasn't a hundred percent sure. I think he
 2 2 was working over at 9.
 3 3 Q. You were both working at 9?
 4 4 A. Uh-huh.
 5 10:41 5 Q. Okay. So the first time you would have had
 6 6 contact with him in a workplace at Kroger would have
 7 7 been at Store 9, is that fair?
 8 8 A. Yes.
 9 9 Q. And that would have been about what -- what
 10 10:41 10 year?
 11 11 A. That was about five years ago.
 12 12 Q. So --
 13 13 A. Four -- four and a half maybe.
 14 14 Q. 2010, 2011?
 15 10:41 15 A. When -- when I got my transfer, right before I
 16 16 got my transfer, they had moved him already. They had
 17 17 moved him.
 18 18 Q. Do you remember when you got your transfer to
 19 19 Store 10?
 20 10:42 20 A. Yeah, it's been a while. Let's see. It
 21 21 should be, like, four years or four and a half. I'm not
 22 22 sure. About four and a half probably.
 23 23 Q. So you're looking at probably sometime in
 24 24 2011? Does that sound about right?
 25 10:42 25 A. Yes.

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1 1 Q. Okay.
 2 2 A. Yes, sir.
 3 3 Q. Okay. So you -- you saw Mr. Castillo, you
 4 4 think, for the first time at Kroger at Store 9 sometime
 5 10:42 5 in that 2011 ballpark. Prior to that point, when was
 6 6 the last time you had seen him?
 7 7 A. I seen him at Rosenberg, when he was working
 8 8 at Rosenberg.
 9 9 Q. Okay. And when you say when he was working at
 10 10:42 10 Rosenberg, what are you talking about?
 11 11 A. Kroger's. When I was there, he was working
 12 12 there, too.
 13 13 Q. Okay. Which store was this?
 14 14 A. Store 10.
 15 10:42 15 Q. Okay. I'm a little confused now. So the --
 16 16 the knife incident happened at Store 10?
 17 17 A. Yes.
 18 18 Q. In April of 2012?
 19 19 A. Yes.
 20 10:43 20 Q. Okay. And -- and so you worked with
 21 21 Mr. Castillo at Store 10, is that right?
 22 22 A. Yes.
 23 23 Q. Okay. Did you also work with him before that
 24 24 at Store 9?
 25 10:43 25 A. We didn't work together. I worked -- I work

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1 1 in the mornings. And if he worked, when I saw him he
 2 2 was coming in the evening shift and I was leaving.
 3 3 Q. But you worked at the same store at Store 9?
 4 4 A. Yes.
 5 10:43 5 Q. For some period of time?
 6 6 A. I don't know how long he worked there.
 7 7 Q. Okay. Before that, had you ever worked with
 8 8 Mr. Castillo?
 9 9 A. Ever?
 10 10:43 10 Q. At Kroger, yeah.
 11 11 A. No, just those two stores. That's it.
 12 12 Q. So now we've gone back to about 2011 or so.
 13 13 Before that, what type of contact did you have with
 14 14 Mr. Castillo, if any?
 15 10:43 15 A. None.
 16 16 Q. Just social, out and about?
 17 17 A. That was it. I mean, I didn't ever talk to
 18 18 him. I didn't -- I didn't talk to him until, you know,
 19 19 in '010 -- in '010
 20 10:43 20 Q. Okay. If you had seen him, say, in '08 and if
 21 21 he walked up to you and said hello, would you know who
 22 22 he was?
 23 23 A. I'd know of him --
 24 24 MR. CAYCEDO: Objection, speculation.
 25 25 A. -- but I -- I didn't know --

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1 1 COURT REPORTER: Whoa, whoa, whoa. I'm
 2 2 sorry. Did you object?
 3 3 MR. CAYCEDO: Yes.
 4 4 COURT REPORTER: Okay. I -- I didn't
 5 5 hear anything at all.
 6 6 MR. CAYCEDO: I said, Objection,
 7 7 speculation.
 8 8 COURT REPORTER: Thank you. I'm sorry.
 9 9 Go ahead.
 10 10:44 10 A. I mean, I would know of him but I wouldn't
 11 11 speak to him. I had no reason to talk to him. I didn't
 12 12 really know him like -- like my other friends. I
 13 13 wouldn't hang out with him or anything like that.
 14 14 Q. (By Mr. Barron) I understand that. I'm just
 15 10:44 15 trying to get a sense of, if you saw him walking down
 16 16 the street, would you recognize him?
 17 17 A. I would recognize him, yes.
 18 18 Q. Okay. So you knew him well enough to know,
 19 19 Hey, that's David Castillo, if you saw him walking down
 20 10:44 20 the street, right?
 21 21 A. Yes.
 22 22 Q. Okay. But -- but what you're saying is, you
 23 23 weren't friendly with him and you didn't hang out with
 24 24 him, right?
 25 10:44 25 A. I'm not saying I wasn't friendly with him. I

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1 1 just didn't know him. I didn't know him like the rest
 2 2 of the guys. I mean, I only hang out with the guys that
 3 3 I knew.
 4 4 Q. And sometimes when you were hanging out with
 5 10:44 5 the guys that you knew, you would run into him, is that
 6 6 fair?
 7 7 A. I would see him on the -- on the road, on the
 8 8 streets.
 9 9 Q. When you say "on the road, on the streets,"
 10 10:44 10 what do you mean?
 11 11 A. Like, he would be driving -- driving his car.
 12 12 Q. Driving his car where? I know it's a big
 13 13 city. I'm just trying to get a feel for where you would
 14 14 run into him when he was driving his car.
 15 10:45 15 A. It could be on Avenue H. It could be on -- or
 16 16 Avenue I, just driving by when he was going the opposite
 17 17 way.
 18 18 Q. Okay. Did you know what kind of car he drove?
 19 19 A. I knew the car he was driving. It was a black
 20 10:45 20 Taurus.
 21 21 Q. You knew that before you were working with him
 22 22 at Kroger?
 23 23 A. Yes.
 24 24 Q. So you -- you knew of him well enough to know
 25 10:45 25 what kind of car he drove?

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1 1 A. He drove a black Taurus.
 2 2 Q. Did you know where he lived?
 3 3 A. No, I didn't.
 4 4 Q. Prior to your contact with Mr. Castillo at
 5 10:45 5 Kroger did you have any knowledge of his history in
 6 6 terms of, like, whether he was married, whether he had
 7 7 kids, anything like that?
 8 8 A. He said that at work, that he had kids and he
 9 9 was married.
 10 10:45 10 Q. Okay. I want -- I want to stop you, because I
 11 11 want to know about the time period before -- now I'm
 12 12 asking you about the time period before you were working
 13 13 together at Kroger.
 14 14 A. Before?
 15 10:46 15 Q. Yeah. Did you have any sense of --
 16 16 A. Oh, no, I didn't know. I didn't know that.
 17 17 Q. Okay.
 18 18 A. No, I didn't -- I didn't know that.
 19 19 Q. Because you said you would recognize him if
 20 10:46 20 you saw him walking down the street, and you knew you
 21 21 would recognize his car, so you knew a little bit about
 22 22 who he was. Did you know, for example -- this is again
 23 23 before you met him at Kroger, again.
 24 24 A. Yes.
 25 10:46 25 Q. Did you know what his history was, about

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1 1 whether he was married, had kids, anything like that?
 2 2 A. No, I didn't know that, huh-uh.
 3 3 Q. Do you know whether he liked to go to bars or
 4 4 anything, information like that?
 5 10:46 5 A. He would go to the ice house
 6 6 Q. And how did you know he liked to go to the ice
 7 7 house?
 8 8 A. He would run into my sister and my
 9 9 brother-in-law
 10 10:46 10 Q. And you knew that before you met him at
 11 11 Kroger, right?
 12 12 A. Yes.
 13 13 Q. Did he talk to your sister and brother-in-law?
 14 14 A. Paul, yes.
 15 10:46 15 Q. Were they -- were they -- I'm sorry, go ahead.
 16 16 A. Yes. I don't know what they talked about.
 17 17 Q. Okay. But were they friends?
 18 18 A. My sister was upset with him.
 19 19 Q. What was she upset with him about?
 20 10:47 20 A. The things he did to me.
 21 21 Q. Okay. I'm -- I'm assuming she got upset with
 22 22 him after the -- the knife incident, correct, or was she
 23 23 upset with him before that?
 24 24 A. No, after all the incidents that happened to
 25 10:47 25 me were -- and then before that she was not mad at him.

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1 1 Q. Okay. So I want to focus you on the time
 2 2 period before you were working together with
 3 3 Mr. Castillo at Kroger. Okay? Are we focused on that
 4 4 time period?
 5 10:47 5 A. Yes.
 6 6 Q. Okay. This is before the knife incident. Was
 7 7 Mr. Castillo and your sister and brother-in-law going to
 8 8 the ice house during that time period?
 9 9 A. They weren't going together. They get --
 10 10:47 10 they're in their own car.
 11 11 Q. No, I understand. But did they --
 12 12 A. They might run into him.
 13 13 Q. That's what I mean.
 14 14 A. But, yeah. But they didn't, like, sit
 15 10:47 15 together or something like that. But, like, that, they
 16 16 sit somewhere else and they'd sit somewhere. But
 17 17 they'd run into him.
 18 18 Q. Okay. Were -- were they friendly?
 19 19 MR. CAYCEDO: Objection, speculation.
 20 10:48 20 A. I can't say that. I don't know that. I
 21 21 wasn't there. I don't know that.
 22 22 Q. (By Mr. Barron) Okay. Do you -- did you know
 23 23 before you were working with Mr. Castillo at Kroger that
 24 24 Mr. Castillo liked to go to the ice house? Was that
 25 10:48 25 something that -- that you knew because of your sister?

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1 1 A. No, no, I don't know. I can't -- it's hard
 2 2 for me to answer that. I don't know what bars he'd
 3 3 really go to.
 4 4 Q. Did you ever see him at bars before you worked
 5 10:48 5 with him at Kroger?
 6 6 A. No, huh-uh. It's been a long -- I mean, back
 7 7 in my time I was mostly in Houston, because I worked in
 8 8 Houston and I would go to a Stafford bar. I would go to
 9 9 a Stafford bar or Houston bar. So we really didn't run
 10 10:48 10 into each other like that.
 11 11 Q. Okay. So now I'm asking you just, generally,
 12 12 some information about Mr. Castillo. This is not any
 13 13 particular time period.
 14 14 Do you know if he's ever been married?
 15 10:49 15 A. He said he was married.
 16 16 Q. Okay. What did he tell you?
 17 17 A. He was married and he had kids. And he said
 18 18 he didn't know if the kids were his or some other man's
 19 19 And he...
 20 10:49 20 Q. How many kids does he have?
 21 21 A. Oh, I don't know how many kids he's got. He
 22 22 just said he had kids. He never told me.
 23 23 Q. Did he have a wife or -- or was he divorced?
 24 24 A. He -- he had a wife.
 25 10:49 25 Q. Okay. Did --

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1 1 A. She would -- she would come shop in the store
 2 2 over there and -- and buy groceries.
 3 3 Q. This is --
 4 4 A. She'd buy --
 5 10:49 5 Q. -- Store 10?
 6 6 A. The lady would come inside the store and buy
 7 7 groceries, uh-huh.
 8 8 Q. Let's try not to talk over each other.
 9 9 So Mr. Castillo's wife would shop at
 10 10:49 10 Store 10?
 11 11 A. Yes.
 12 12 Q. Did you ever see her?
 13 13 A. Yes.
 14 14 Q. Did you ever talk to her?
 15 10:49 15 A. No.
 16 16 Q. How old was she?
 17 17 A. Oh, I don't know how old she is.
 18 18 Q. Was she, you know --
 19 19 A. She's an older lady.
 20 10:50 20 Q. Okay. So, like, 50s? 60s?
 21 21 A. No, not that old.
 22 22 Q. Okay.
 23 23 A. Probably about -- probably 45.
 24 24 Q. Okay. And I understand you -- this is just
 25 10:50 25 your best guess. I'm not going to hold you to it.

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1 1 A. She don't -- I haven't seen her no more. She
 2 2 don't shop there anymore. I haven't seen her anymore
 3 3 since all this happened. I don't -- I don't know if she
 4 4 shops still there, but I don't see her anymore.
 5 10:50 5 Q. So Mr. Castillo had a wife that looked to be
 6 6 about 45 years old who shopped at Store 10?
 7 7 A. 45, 50, I don't know.
 8 8 Q. Okay. And do you know if he had any children
 9 9 with her?
 10 10:50 10 A. With that woman?
 11 11 Q. Yeah.
 12 12 A. I don't know if they -- his kids are from that
 13 13 woman or another marriage. I don't know.
 14 14 Q. Do you know if he had -- Mr. Castillo had been
 15 10:50 15 married before to a woman other than the -- the lady
 16 16 that you saw in the store?
 17 17 A. I can believe -- he didn't tell me that he was
 18 18 married to another woman, but he said he was paying
 19 19 child support to a woman. That's what he told me.
 20 10:50 20 Q. Do you know how many children he had that he
 21 21 was paying child support for?
 22 22 A. No, I'm not a hundred percent sure.
 23 23 Q. Did you get the feeling there was more than
 24 24 one?
 25 10:51 25 A. It's a possibility, more than one, because he

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1 1 said that -- he said those kids might not be his and he
 2 2 -- he might want his money back.
 3 3 Q. But did he use the word "kids," like plural,
 4 4 or just "kid"? Like, kids, more than one?
 5 10:51 5 A. Kids with an S.
 6 6 Q. Okay.
 7 7 A. But he said he wanted his money back because
 8 8 he don't know if those babies are his, those kids are
 9 9 his.
 10 10:51 10 Q. Do you know why he didn't -- he didn't think
 11 11 those kids were his?
 12 12 A. Oh, I don't know. He said that she was -- his
 13 13 wife was messing around a lot.
 14 14 Q. And do you know how -- any idea how old those
 15 10:51 15 kids were?
 16 16 A. Oh, no, sir.
 17 17 Q. Other than the wife that you saw in the store,
 18 18 do you know if he was having romantic relationships with
 19 19 anybody -- any other females at the time that you worked
 20 10:52 20 with him at either Store 9 or Store 10?
 21 21 A. He had other women calling him at Kroger's,
 22 22 and he -- he would say that he was talking to other
 23 23 women and...
 24 24 Q. Do you know any of their names?
 25 10:52 25 A. I didn't know their names. Other -- other

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1 1 women would call him at the store early hours of the
 2 2 morning, and he would -- he would talk to them on the
 3 3 phone for a long time.
 4 4 Q. And do you -- did you believe those were
 5 10:52 5 maybe, like, girlfriends or something?
 6 6 A. He told me he was talking to other women.
 7 7 Q. Okay.
 8 8 A. And he was getting in trouble for it.
 9 9 Q. With his wife?
 10 10:52 10 A. Uh-huh, he said.
 11 11 Q. Did you ever hear any of these conversations?
 12 12 A. They were kind of far away from me.
 13 13 Q. Do you believe him, that he was talking to
 14 14 women on the phone?
 15 10:53 15 A. Yes.
 16 16 Q. During the time that you worked with
 17 17 Mr. Castillo did you ever see him with a man, like in a
 18 18 romantic relationship?
 19 19 A. No, sir.
 20 10:53 20 Q. Did he ever tell you that he was gay or
 21 21 homosexual?
 22 22 A. He told me that he's been with men.
 23 23 Q. What exactly did he tell you?
 24 24 A. He told me that he's been -- he says, You
 25 10:53 25 don't know me but I've been locked up, and I raped guys

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1 1 your size. And he said I had a body like a woman. And
 2 2 he told me he'd rather be with a -- a man than a woman,
 3 3 Q. Do you know whether he was joking or serious
 4 4 when he said that?
 5 10:53 5 A. He wasn't joking. He wasn't laughing.
 6 6 Q. How many times did he say things like that?
 7 7 A. Like that, how many times, I can't remember
 8 8 how many times.
 9 9 Q. Like, a couple of times?
 10 10:54 10 A. It's hard to say. I can't remember.
 11 11 Q. Well, I need your best recollection. Because
 12 12 this is my only chance to ask you questions in this
 13 13 lawsuit, so I'd like your best recollection, sitting
 14 14 here today.
 15 10:54 15 A. Let's see. At least three or four times.
 16 16 Q. How long do you think you -- in total that you
 17 17 worked with him?
 18 18 A. How long I worked with him?
 19 19 Q. Yeah. About a year, two years?
 20 10:54 20 A. About -- probably a year, a little over.
 21 21 Q. A little over a year?
 22 22 A. A little over, yeah.
 23 23 Q. Okay. Other than those comments that you just
 24 24 mentioned, did he ever say or do anything that led you
 25 10:55 25 to believe that he was gay or homosexual?

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1 1 A. Yes.
 2 2 Q. Okay. What?
 3 3 A. The way he talked to me, and he -- and he
 4 4 touching me and grabbing me.
 5 10:55 5 Q. Okay. And I'm going to get to all those
 6 6 details. I guess, let's -- I'm going to get to those.
 7 7 Let me try to break this up. Did you ever see him do
 8 8 anything towards anybody else that led you to believe
 9 9 that he was gay or homosexual?
 10 10:55 10 A. At first I wasn't sure.
 11 11 Q. Okay. Why not? Why -- why weren't you sure?
 12 12 A. I wasn't sure until he -- and then -- until he
 13 13 started making moves on me. And then I discussed it
 14 14 with Tony.
 15 10:55 15 Q. All right. Let me stop you there, because
 16 16 we're going to get there. Did you -- let me ask some
 17 17 better questions. Did you ever see him touch any other
 18 18 male employees at Kroger?
 19 19 A. No, sir.
 20 10:55 20 Q. Let me ask it a little different way. Did you
 21 21 ever see him touch a male in a sexual way at all, not an
 22 22 employee, but a customer or anyone?
 23 23 A. Or anyone else?
 24 24 Q. Yeah.
 25 10:56 25 A. No, sir.

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1 1 Q. Even when you saw him out and about, the few
 2 2 times that you said you saw him out and about and you
 3 3 knew who he was, did you ever see him touching a man in
 4 4 a sexual way?
 5 10:56 5 A. No, sir.
 6 6 Q. Other than the comments he made to you, did
 7 7 you ever hear him, in any location at all, in Kroger,
 8 8 outside of Kroger, make any sexual comments towards any
 9 9 other men?
 10 10:56 10 A. No, sir.
 11 11 Q. Did anybody ever tell you that Mr. Castillo
 12 12 was a homosexual or -- or gay?
 13 13 A. They -- they didn't say anything until
 14 14 afterwards when they heard what happened, when they --
 15 10:56 15 when everybody heard what happened to me, they said --
 16 16 they were saying those things.
 17 17 Q. Okay. Who -- who was saying those things?
 18 18 A. My friends, they said that -- that -- that he
 19 19 was gay.
 20 10:56 20 Q. Okay. Who are your friends? Who said that?
 21 21 A. My friends, like Steve.
 22 22 Q. Who is Steve? Does he work at Kroger?
 23 23 A. Huh-uh.
 24 24 Q. Okay. What did Steve say?
 25 10:57 25 MR. CAYCEDO: Is that a "no"?

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1 1 THE WITNESS: Huh?
 2 2 MR. CAYCEDO: You need to answer with
 3 3 a "yes" or "no."
 4 4 Q. (By Mr. Barron) Yeah, I need a "yes" or "no"
 5 10:57 5 instead of "uh-huh."
 6 6 A. Oh, Steve works at a car lot.
 7 7 Q. How does he know Castillo?
 8 8 A. He said he would go to his job and talk -- he
 9 9 would talk to him.
 10 10:57 10 Q. Okay. And -- and Steve said he thought that
 11 11 Mr. Castillo was gay?
 12 12 A. After what he did to me.
 13 13 Q. Okay. Just because -- based on what you told
 14 14 him?
 15 10:57 15 A. Uh-huh.
 16 16 Q. Any -- any other reason why he thought that he
 17 17 was gay, that you know of?
 18 18 A. That I know of, no, sir.
 19 19 Q. Okay. Anybody else that told you that -- that
 20 10:57 20 they thought that Mr. Castillo was gay?
 21 21 A. My family members.
 22 22 Q. And was that based on the things that you told
 23 23 them had happened at work?
 24 24 A. Yes, sir.
 25 10:57 25 Q. Has anybody shared with you any stories about

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1 1 Mr. Castillo of things that they saw him do to any other
 2 2 people that led them to believe that he was gay?
 3 3 A. No, sir.
 4 4 Q. During the time that you worked with
 5 10:58 5 Mr. Castillo, did you ever hear him make sexual comments
 6 6 about women, like, Hey, I would like to have sex with
 7 7 her, or, She's attractive, or anything like that?
 8 8 A. Yes.
 9 9 Q. Okay. What kinds of comments did you hear?
 10 10:58 10 A. He said that he was -- when he got -- he was
 11 11 going to -- after he got through with Gloria that she's
 12 12 not going to be able to walk right, when he'd get done
 13 13 with her.
 14 14 Q. Okay. So he made some -- some sexual comments
 15 10:59 15 about Gloria?
 16 16 A. Uh-huh.
 17 17 Q. Did he say anything else about Gloria that was
 18 18 sexual, that you can recall?
 19 19 A. And he said when he gets done with her she's
 20 10:59 20 not going to -- just that, that's what he said.
 21 21 Q. Okay. How about anything -- any other sexual
 22 22 remarks like that in regards to other women?
 23 23 A. With other women?
 24 24 Q. Yeah. Like customers, Hey, she's good
 25 10:59 25 looking, or anything like that?

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1 1 A. Yeah, he would say that she's, you know, good
 2 2 looking, yeah, she's a pretty woman.
 3 3 Q. So if a pretty --
 4 4 A. He would say that about customers when he sees
 5 10:59 5 one.
 6 6 Q. So if a pretty woman came in the store --
 7 7 A. Yeah, he would -- he would make remarks.
 8 8 Q. Okay.
 9 9 A. Yes.
 10 10:59 10 Q. All right. And you recall him doing that?
 11 11 A. Uh-huh.
 12 12 Q. Do you recall him ever making remarks like
 13 13 that about a man that walked in the store?
 14 14 A. No, sir.
 15 10:59 15 Q. Was there anything about the way Mr. Castillo
 16 16 dressed or he appeared on a daily basis that you would
 17 17 say would lead you to believe he's gay or homosexual?
 18 18 A. Yes, he -- the way he looked at me.
 19 19 Q. Okay.
 20 11:00 20 A. The way he looked at me. He didn't look at me
 21 21 right. He would look at me -- he wouldn't look at me
 22 22 right. And then he would try to walk like a woman.
 23 23 Q. What do you mean by that?
 24 24 A. And he would laugh.
 25 11:00 25 Q. What do you mean by that?

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1 1 A. He wouldn't walk right, just moving all over
 2 2 the place, and he would be laughing. And he'd think
 3 3 it's funny.
 4 4 Q. Anything else?
 5 11:00 5 A. And I told Tony about it. Tony -- Tony would
 6 6 -- Tony -- I don't know if he believed me or not.
 7 7 Q. Okay. Any -- anything else that he -- that he
 8 8 did that -- that would lead you -- other -- other than
 9 9 the things he said to you, which we're going to get to,
 10 11:00 10 was there anything else that led you to believe that he
 11 11 was gay?
 12 12 A. The name calling.
 13 13 Q. Okay. Anything else?
 14 14 A. After -- because of the touching, the
 15 11:00 15 touching, that made me more believe that he was like
 16 16 that.
 17 17 Q. Okay. Anything else?
 18 18 A. That's all I can remember.
 19 19 Q. All right. Let's talk about your --
 20 11:01 20 MR. BARRON: Do you want to take a
 21 21 break?
 22 22 MR. CAYCEDO: Yeah, if you don't mind.
 23 23 MR. BARRON: Sure.
 24 24 MR. CAYCEDO: I'm just going to run down
 25 11:01 25 the hall real quick.

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1 1 MR. BARRON: Yeah.
 2 2 THE VIDEOGRAPHER: We're going off the
 3 3 record, approximately 11:01 a.m.
 4 4 (Brief recess)
 5 11:13 5 THE VIDEOGRAPHER: We're coming back on
 6 6 the record, approximately 11:14 a.m.
 7 7 Q. (By Mr. Barron) Mr. Salinas, you understand
 8 8 we're back on the record now?
 9 9 A. Yes, sir.
 10 11:13 10 Q. You're still under oath, right?
 11 11 A. Yes, sir.
 12 12 Q. Okay. You testified earlier about a lady
 13 13 named Gloria that you work with. Do you recall that
 14 14 testimony?
 15 11:13 15 A. Yes.
 16 16 Q. You said you'd been seeing her as your
 17 17 girlfriend for about -- in October it will be four
 18 18 years?
 19 19 A. Yes.
 20 11:13 20 Q. Okay. Do you have a sexual relationship with
 21 21 Gloria?
 22 22 A. Yes.
 23 23 Q. So if we ask Gloria, she would give that same
 24 24 answer, you think?
 25 11:13 25 A. Yes.

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1 1 Q. Have any of your brothers and sisters ever
 2 2 worked at Kroger?
 3 3 A. Nope. No, sir. Wait a minute. Let me see.
 4 4 No, huh-uh.
 5 11:22 5 Q. And how did Reuben die? You mentioned Irma
 6 6 died from cancer. How about Reuben?
 7 7 A. Reuben?
 8 8 Q. Yeah. How did he die?
 9 9 A. Oh, he got -- he got shot.
 10 11:22 10 Q. Like in a crime --
 11 11 A. Yes.
 12 12 Q. -- situation?
 13 13 A. Yes.
 14 14 Q. Where was he shot?
 15 11:22 15 A. In the chest.
 16 16 Q. But was -- was he at a bar? Was he at home?
 17 17 Where was he?
 18 18 A. He was at home.
 19 19 Q. Okay. Did they catch the person that did it?
 20 11:22 20 A. I know of no -- I don't know. They're saying
 21 21 that he -- he -- he did it, but he didn't do it. I'm --
 22 22 in my heart, I don't think he did it. And -- because
 23 23 his wife -- his wife was shot, too, and he was shot.
 24 24 But I don't know.
 25 11:22 25 Q. Okay.

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1 1 A. Because it was four times, so I told the
 2 2 police, There's somebody out there that shot him four
 3 3 times in the chest.
 4 4 Q. And you said you live with your mother. Where
 5 11:22 5 is your father?
 6 6 A. My father died.
 7 7 Q. Okay. How old were you -- how old were you
 8 8 when he died?
 9 9 A. Oh, I was in my 20s.
 10 11:23 10 Q. Did your mother ever remarry?
 11 11 A. Oh, no. No, sir.
 12 12 Q. So all of these brothers and sisters we just
 13 13 mentioned were from your -- from the same marriage that
 14 14 your mother --
 15 11:23 15 A. Same.
 16 16 Q. -- mother and father?
 17 17 A. Yes.
 18 18 Q. Okay. All right. Now going back to my
 19 19 original question, are you aware of any sort of sexual
 20 11:23 20 abuse or problems amongst your brothers and sisters?
 21 21 A. No, sir.
 22 22 Q. Okay. All right. Let's talk about your --
 23 23 your history at Kroger. When were you hired?
 24 24 A. In November, '81.
 25 11:23 25 Q. And which store did you originally start

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1 1 working at?
 2 2 A. I started in Rosenberg. It was next to
 3 3 Weiner's on Avenue H.
 4 4 Q. That's going way back. What was your first
 5 11:23 5 position?
 6 6 A. I was a sacker.
 7 7 Q. And how old -- how old were you when you
 8 8 started working at Kroger?
 9 9 A. I started at 16. And -- and I worked a few
 10 11:24 10 months, and then y'all went -- Kroger's went on strike.
 11 11 And then I went over to Bonanza, and then I came back
 12 12 after the strike.
 13 13 The reason why I quit, because this man
 14 14 in the meat department told me that -- he was scaring
 15 11:24 15 me, in the meat department. He said that he was going
 16 16 to flatten my car up because I was walking through the
 17 17 picket line. When you walk, like, through there, when
 18 18 they're on strike, and he said I can't do that. Because
 19 19 they're on strike and he said I can't work through the
 20 11:24 20 picket line.
 21 21 And I told him, But they need people
 22 22 there to work, and I want to work. And he got mad at
 23 23 me, that meat department guy. And he said he was going
 24 24 to hurt me, beat me up and mess up my car. And I was
 25 11:24 25 just a kid and he was a grown man. So I quit and I got

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1 1 -- I quit because I was scared. So I went to work at
 2 2 Bonanza until it settled down.
 3 3 Q. Yeah.
 4 4 A. And then -- then I came and asked for my job
 5 11:24 5 back, to come back, and they said okay.
 6 6 Q. All right.
 7 7 A. And Jeanine White hired me.
 8 8 Q. So other than that -- that period where you
 9 9 were -- you stopped working for Kroger during the strike
 10 11:25 10 and then came back, have you worked for Kroger ever
 11 11 since?
 12 12 A. Since I quit and come back?
 13 13 Q. Yes.
 14 14 A. No, this place is straight on.
 15 15 Q. Okay.
 16 16 A. Just straight on.
 17 17 Q. All right. Tell me all the different
 18 18 positions that you've worked at Kroger.
 19 19 A. I was --
 20 11:25 20 Q. You mentioned sacker. What else have you
 21 21 done?
 22 22 A. I was doing utilities cleaning. I was
 23 23 cleaning, like, the back room and the restrooms and
 24 24 stuff like that.
 25 11:25 25 Q. Okay.

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1 1 A. And sweeping floors and cleaning chrome and --
 2 2 and stuff like that, and cleaning glass and taking trash
 3 3 out.
 4 4 Q. So you did all those things as a sacker. What
 5 11:25 5 -- what was your next job?
 6 6 A. That was utility.
 7 7 Q. That was utility, right, which is a separate
 8 8 job.
 9 9 A. Okay. After that they put me in produce.
 10 11:25 10 Q. Okay. And have you worked in produce ever
 11 11 since then?
 12 12 A. Yes, but I help in the other departments. But
 13 13 I was in produce, and at that store they put me in
 14 14 grocery. Every once in a while I'll be in grocery. But
 15 11:26 15 then I stayed in produce all the time pretty much. And
 16 16 then later through time I did dairy, a little bit of
 17 17 dairy. But I don't know how to order dairy. I just --
 18 18 I would stock the milk and stuff.
 19 19 Q. Okay. How -- how many times have you worked
 20 11:26 20 dairy? Would that just be, like, a shift here and
 21 21 there, or did you work --
 22 22 A. No, I didn't work -- like, when somebody went
 23 23 on vacation or something and we were shorthanded or
 24 24 something, or somebody called in.
 25 11:26 25 Q. Okay.

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1 1 A. It was not -- I wasn't really -- wasn't
 2 2 scheduled there. I was scheduled in my own produce.
 3 3 would go help and fill it up a little bit, then run back
 4 4 to produce.
 5 11:26 5 Q. How -- how long did it take you to get from
 6 6 being, say, a sacker and utility into produce? How --
 7 7 how many years or months was that?
 8 8 A. Oh, it took me a while.
 9 9 Q. Like, how long?
 10 11:26 10 A. I was a sacker, I would say -- I would say two
 11 11 and a half to three years.
 12 12 Q. All right. And then after a sacker, you went
 13 13 to utility?
 14 14 A. Yes.
 15 11:26 15 Q. And how long were you in utility?
 16 16 A. Probably about eight months.
 17 17 Q. Okay. And then you went to produce?
 18 18 A. Produce. And then I stayed there.
 19 19 Q. And then you stayed there.
 20 11:27 20 A. And then I stayed there, and then they moved
 21 21 me to Store 187.
 22 22 Q. Okay. That's where I'm going next, I'm going
 23 23 to get to the stores. I just want to get your jobs.
 24 24 Those are all the jobs that you've held, we've talked
 25 11:27 25 about them?

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1 1 A. The ones earlier?
 2 2 Q. Yeah, we've talked --
 3 3 A. Oh, you mean with Kroger's?
 4 4 Q. Yeah.
 5 5 A. Yes.
 6 6 Q. All right. We've talked about sacker, --
 7 7 A. Yes.
 8 8 Q. -- utility and produce. And I know you've
 9 9 filled in in the dairy and some grocery; but that's all
 10 11:27 10 the jobs that you've -- positions that you've held at
 11 11 Kroger, right?
 12 12 A. Yes, sir.
 13 13 Q. Okay. Now, let's talk stores. I want to know
 14 14 which stores you've worked at. What was your first
 15 11:27 15 store location?
 16 16 A. That was Rosenberg.
 17 17 Q. Right, the one you just mentioned. Avenue H,
 18 18 I think?
 19 19 A. Uh-huh.
 20 11:27 20 Q. And how long did you work at that store
 21 21 location?
 22 22 A. About six years, six years in that store.
 23 23 Q. Where did you go after that?
 24 24 A. 187.
 25 11:27 25 Q. Where is that one located?

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1 1 A. Westheimer and Gessner. Y'all -- y'all closed
 2 2 it down already.
 3 3 Q. How long were you at Store 187?
 4 4 A. Let's see, maybe two -- let's see. Maybe two
 5 11:28 5 or three years, two or three years.
 6 6 Q. What was your next store?
 7 7 A. I worked -- from there I went to -- I went to
 8 8 Stafford.
 9 9 Q. Do you remember what the number was?
 10 11:28 10 A. 200. And then I was -- at that store I was
 11 11 working from there, even the Rosenberg store, too. I
 12 12 did Fondren. That store that shut down, I remember it
 13 13 was Airport. I worked the Airport store, too.
 14 14 Q. You worked at two stores at the same time?
 15 11:28 15 A. They would take me out of the store sometimes.
 16 16 They -- I would go over there and they would move me
 17 17 around. I would stay, like, 200 and then they'd move me
 18 18 around. I did that store. I did 329. I did 334.
 19 19 Q. Were you like a floater?
 20 11:29 20 A. 268.
 21 21 Q. Okay.
 22 22 A. 320. Let me think which store. I did 600.
 23 23 I'm trying to remember the stores. Oh, remember when
 24 24 the storm blew in? And I was working -- working over
 25 11:29 25 there in, like, Louisiana or Lake Charles, something

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1 1 like that. They made me work over there, and I went
 2 2 over there.
 3 3 Q. How long did you work over there?
 4 4 A. I don't even know. Just like one day here and
 5 11:29 5 one day there. It wasn't long.
 6 6 Q. You weren't permanently stationed over there?
 7 7 A. No, no, not transferred, huh-uh.
 8 8 Q. Okay. All right. What was your next
 9 9 permanent home, permanent store?
 10 11:29 10 A. Oh, I did -- the other stores I did, it was
 11 11 392.
 12 12 Q. 392?
 13 13 A. Yeah. And I did another store that shut down,
 14 14 386.
 15 11:29 15 Q. Okay. The stores that you just mentioned to
 16 16 me, like 329, 334, 268 --
 17 17 A. Some of them stores shut down.
 18 18 Q. -- were those permanent locations, or were you
 19 19 just, like, floating and doing shifts here and there?
 20 11:30 20 A. Oh, I was -- I was floating. Like -- like
 21 21 268, I did five years at 268. And Stafford, I did 10
 22 22 years. And 392, I did five years.
 23 23 Q. How about 386?
 24 24 A. I was a temporary. I -- I must have been
 25 11:30 25 there three -- under six months, three -- three or four

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1 1 months.
 2 2 Q. Okay. How about 600?
 3 3 A. No, I was temporary help. Y'all -- y'all just
 4 4 bought that. I think it was, like, a Safeway or
 5 11:30 5 Appletree. Y'all bought it and y'all were remodeling,
 6 6 and y'all wanted me to go over and help out, get it
 7 7 going.
 8 8 Q. Okay. Any other stores that you can recall?
 9 9 A. That I can remember? Let me see. Oh, I
 10 11:30 10 worked at a Missouri store. I did 334, but there was
 11 11 another -- y'all had another store that -- between that
 12 12 area. And there -- and there's a church in that
 13 13 Missouri area where it's at.
 14 14 Q. Missouri City?
 15 11:31 15 A. Yeah. Y'all had some stores, I think one or
 16 16 two close back -- closed down over there.
 17 17 Q. Okay.
 18 18 A. And I worked over there a little bit.
 19 19 Q. Okay. Anything else?
 20 11:31 20 A. It wasn't long. It was just a day, you know.
 21 21 Q. Okay. Anything else?
 22 22 A. I did 09.
 23 23 Q. Right.
 24 24 A. And then where I'm at.
 25 11:31 25 Q. And then 10?

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1 1 A. Uh-huh.
 2 2 Q. Okay. All right. So --
 3 3 A. That's right.
 4 4 Q. Let's talk about 09.
 5 11:31 5 A. Oh, I did 309.
 6 6 Q. 309. Where is 309?
 7 7 A. San Felipe and -- and Voss.
 8 8 Q. How long were you there?
 9 9 A. I don't remember. It wasn't that long. I
 10 11:31 10 don't remember.
 11 11 Q. That's where you were immediately before 9?
 12 12 A. No, at 9 -- I wasn't there before 9. I was at
 13 13 392.
 14 14 Q. So you transferred from 392 to 9?
 15 11:31 15 A. Uh-huh.
 16 16 Q. Where is 392?
 17 17 A. Over there on Westheimer, behind the mall.
 18 18 Q. So that's a pretty good drive for you, right,
 19 19 that's a long drive?
 20 11:32 20 A. Oh, it's a -- yes, it's a very long drive.
 21 21 Q. So you were living at your current address in
 22 22 Rosenberg and driving to Westheimer, by the mall?
 23 23 A. Yeah. Yeah, I would go to the back way.
 24 24 Q. Now, you worked at a lot of stores; is that
 25 11:32 25 fair to say?

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1 1 A. Yes, sir.
 2 2 Q. Did you ask to be transferred to all of these
 3 3 stores, or did you -- were you asked by Kroger to go to
 4 4 these stores?
 5 11:32 5 A. No, Mr. Pena wanted me to work everywhere. I
 6 6 was floating.
 7 7 Q. Okay. I know you asked for a transfer from
 8 8 392 to 9, right?
 9 9 A. Yes.
 10 11:32 10 Q. And I know you asked for a transfer from 9 to
 11 11 10?
 12 12 A. Yes.
 13 13 Q. Right?
 14 14 A. Yes, sir.
 15 11:32 15 Q. Okay. Any other instances where you asked for
 16 16 a transfer, that you can recall?
 17 17 A. No, I can't remember. No, sir.
 18 18 Q. Well, why did you want to go from 392 to Store
 19 19 9?
 20 11:33 20 A. Store 9?
 21 21 Q. Yeah.
 22 22 A. I wanted to go there because I wanted -- I
 23 23 wanted to be second man. I was second man there, but I
 24 24 wanted to be second man there. And I figured I could
 25 11:33 25 get more -- you know, I -- I wanted to work in a bigger

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1 1 A. Umm.
 2 2 Q. -- it, like, half and half? What would you
 3 3 say?
 4 4 A. No, it was more in the back room.
 5 13:36 5 Q. Okay. And where did -- where did Mr. Castillo
 6 6 work usually?
 7 7 A. Like, I worked, like, over here by the sink.
 8 8 Q. Yeah.
 9 9 A. By the sink, towards the cooler, and he worked
 10 13:36 10 farther down, like farther down.
 11 11 Q. Okay. Like, how far away were you to -- how
 12 12 far away were you from each other in the back room?
 13 13 A. Oh, God. Let me see.
 14 14 Q. Farther away -- let's -- let's just say --
 15 13:36 15 A. I don't know how many feet.
 16 16 Q. Okay. And I'm not going to ask you how many
 17 17 feet.
 18 18 A. I don't know about that.
 19 19 Q. I'm going to estimate that this room is about
 20 13:37 20 15 feet long. I'm just -- I'm just guessing. Would it
 21 21 be further away than from one end of this room to the
 22 22 other or -- or shorter?
 23 23 A. Let's see. Almost about the same distance.
 24 24 Q. Okay. So, like, if you're looking at the end
 25 13:37 25 of this room, that wall on that side, the wall you're

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1 1 looking at, it would be about -- he would be about that
 2 2 distance away from you or longer?
 3 3 A. Let's see. If I was working here, if it's
 4 4 farther, it wouldn't be much farther.
 5 13:37 5 Q. Okay.
 6 6 A. It would be about this far or a little bit
 7 7 farther.
 8 8 Q. Okay. So we're just going to say, for -- for
 9 9 a guesstimate, 15 to 20 feet, okay?
 10 13:37 10 A. It wouldn't be 20 feet. I think it's closer
 11 11 than 20 feet.
 12 12 Q. Okay. All right. If -- if you were talking
 13 13 to him, could -- could you hear each other from that
 14 14 distance?
 15 13:37 15 A. Yes.
 16 16 Q. Okay. And isn't it true that when y'all were
 17 17 working in the back room and you were about 15 to 20
 18 18 feet away, that y'all would talk to each other?
 19 19 A. He would -- he would say things to me. Like
 20 13:38 20 when he walked by me --
 21 21 Q. Yes.
 22 22 A. -- he would call me a faggot.
 23 23 Q. Okay.
 24 24 A. He would call me gay. He would make remarks
 25 13:38 25 at me. When he'd walk by me, like he would go to the

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1 1 cooler and get some strawberries or pineapples or
 2 2 anything he needed to get, he'd go inside that cooler
 3 3 and get it, and he'd -- he'd bring it, and he would look
 4 4 at me and then he'll make a remark. I told Tony about
 5 13:38 5 it.
 6 6 Q. Well --
 7 7 A. Tony said he was going to take care of it.
 8 8 Q. Okay. I'm going to get to your complaints in
 9 9 a minute. I want to know what he said. So -- so he
 10 13:38 10 would make comments to you when he walked by you, right?
 11 11 A. Yes.
 12 12 Q. Okay. And what did you say to him when that
 13 13 happened?
 14 14 A. I told him, Leave me alone.
 15 13:38 15 Q. Okay. Did you ever make any comments back to
 16 16 him?
 17 17 A. No, not like that.
 18 18 Q. Did you --
 19 19 A. Not like that.
 20 13:38 20 Q. Did you ever call him a faggot?
 21 21 A. No.
 22 22 Q. Did you ever call him gay?
 23 23 A. No.
 24 24 Q. Did you ever call him mija?
 25 13:38 25 A. I don't recall. I don't -- I don't -- like I

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1 1 said, I don't remember.
 2 2 Q. And mija is Spanish for what?
 3 3 A. Daughter.
 4 4 Q. All right. Did you ever talk in Spanish with
 5 13:38 5 Mr. Castillo?
 6 6 A. I don't know how to talk completely in Spanish
 7 7 like that. I don't know how to do that.
 8 8 MR. BARRON: I'm going to object to that
 9 9 as being nonresponsive
 10 13:39 10 A. I don't understand.
 11 11 Q. (By Mr. Barron) Okay.
 12 12 A. Like, I don't -- I can't go through a whole
 13 13 thing of saying -- like read this in Spanish, I can't do
 14 14 that.
 15 13:39 15 Q. Right. But my question is a little different.
 16 16 I just want to make sure you understand it. Did you
 17 17 ever have conversations in Spanish? I understand you're
 18 18 saying that you're not very good at it.
 19 19 A. I didn't -- like that, huh-uh
 20 13:39 20 Q. Did Mr. Castillo ever try to speak to you in
 21 21 Spanish?
 22 22 A. Not that I remember, huh-uh.
 23 23 Q. Did y'all ever talk about sports?
 24 24 A. No, sir.
 25 13:39 25 Q. You never had a conversation with Mr. Castillo

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1 1 A. Uh-huh.
 2 2 Q. Okay. How long did he -- did he squeeze?
 3 3 Just like a second?
 4 4 A. I can't give you a time frame.
 5 14:27 5 Q. Okay. But was it pretty quick?
 6 6 A. No, he -- it was not quick. He grabbed there
 7 7 and he squeezed it real hard.
 8 8 Q. Okay. Did you -- did you knock him back or
 9 9 anything?
 10 14:28 10 A. Yeah. I went like that and I pushed him away,
 11 11 and he laughed. He thought it was funny.
 12 12 Q. Okay. So that's two incidents of touching.
 13 13 And then I think you testified that there's a third,
 14 14 where he ran your -- his hand down your pants or
 15 14:28 15 something along those lines?
 16 16 A. Yeah. Well, not inside my pants. On the
 17 17 outer. He ran his hand down my ass crack.
 18 18 Q. Okay. Tell me about that incident.
 19 19 A. I told him -- I told Tony about it.
 20 14:28 20 Q. Okay. But I want you to tell me about it.
 21 21 What do you recall?
 22 22 A. God. I told him to leave me alone after he
 23 23 did that. I told him to stay -- leave me alone.
 24 24 Q. But what did he do first that caused you to
 25 14:28 25 say, Leave me alone?

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1 1 A. He didn't say nothing. He just came behind me
 2 2 and did that.
 3 3 Q. Okay. Now, I want to be sure I understand
 4 4 exactly what he did. His hand touched what, just your
 5 14:28 5 butt?
 6 6 A. No, it ran up my ass crack.
 7 7 Q. Okay. Did -- did his hand ever go inside your
 8 8 pants?
 9 9 A. No, not inside; outside.
 10 14:29 10 Q. On the outside?
 11 11 A. And he pulled me up.
 12 12 Q. Okay.
 13 13 A. Rubbed -- rubbed me up like that.
 14 14 Q. So he rubbed his hand along your ass crack?
 15 14:29 15 A. Yeah.
 16 16 Q. Okay. Kind of like a wedgy or --
 17 17 A. No. He got his little finger and he ran it
 18 18 through there.
 19 19 Q. Like -- okay. I think I understand you.
 20 14:29 20 A. God.
 21 21 Q. All right. That's the only time that ever
 22 22 happened?
 23 23 A. When he did that to me, he didn't do that no
 24 24 more. It was just that, he did that.
 25 14:29 25 Q. Okay.

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1 1 MR. CAYCEDO: Are you at a stopping
 2 2 point or do you want to go on?
 3 3 MR. BARRON: Yeah, if you'd like to take
 4 4 a break. We've been going about an hour.
 5 14:29 5 THE VIDEOGRAPHER: We're going off the
 6 6 record, approximately 2:30 p.m.
 7 7 (Brief recess.)
 8 8 THE VIDEOGRAPHER: We're coming back on
 9 9 the record, approximately 2:41 p.m.
 10 14:41 10 Q. (By Mr. Barron) Mr. Salinas, before we went
 11 11 off the record we were talking about the incidents where
 12 12 Mr. Castillo had touched you. Do you recall that?
 13 13 A. Yes.
 14 14 Q. Okay. So I think we've covered three. There
 15 14:41 15 was the touching on the butt; there was the grabbing
 16 16 your testicles; and then rubbing his hand between your
 17 17 butt cheeks
 18 18 A. Yes.
 19 19 Q. Okay. Those are the only three times that
 20 14:41 20 Mr. Castillo ever touched you?
 21 21 A. Yes, that's all I can remember at this time.
 22 22 Q. Okay. And your testimony is that you reported
 23 23 all three of those incidents to the store --
 24 24 A. Yes.
 25 14:41 25 Q. -- management?

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1 1 A. Yes, I did.
 2 2 Q. And your testimony is that they didn't do
 3 3 anything about it?
 4 4 A. Yes, sir.
 5 14:41 5 Q. And why didn't you report those incidents to
 6 6 someone other than the store if you weren't getting the
 7 7 response that you wanted?
 8 8 A. I did.
 9 9 Q. Okay. Who?
 10 14:42 10 A. The union.
 11 11 Q. The union?
 12 12 A. I didn't know who else -- what else to do.
 13 13 Q. Okay. And did you get the response that you
 14 14 wanted out of the union?
 15 14:42 15 A. He told me that he was going to -- this is
 16 16 what he said: He was going to talk to Mr. Childs and he
 17 17 was going to take -- he said, Don't worry about it.
 18 18 I'll talk to Mr. Childs about it.
 19 19 Q. All right. Do you know if he talked -- and
 20 14:42 20 you're talking about Walter now, right?
 21 21 A. Yes.
 22 22 Q. Do you know --
 23 23 A. I don't know if he did or not. I talked to
 24 24 him on the sales floor, not like together. You know
 25 14:42 25 what I'm saying, like Childs and Walter. It wasn't like

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1 1 Q. Well, you actually drafted two of them, right?
 2 2 A. Yes.
 3 3 Q. The longer -- there was a longer one and then
 4 4 the shorter one, right?
 5 14:46 5 A. Yes.
 6 6 Q. Why didn't you draft something up before the
 7 7 knife incident?
 8 8 A. I don't know how to write. I had no help.
 9 9 Q. Well, but you did have help because you --
 10 14:46 10 A. I didn't get --
 11 11 Q. Hold on.
 12 12 A. -- it until later.
 13 13 Q. Hold on. Hold on. You had help from Debbie
 14 14 Williams in drafting Exhibit 4 and Exhibit 2, so you had
 15 14:47 15 someone who you could ask for help if -- if you needed
 16 16 it, right? Right?
 17 17 A. They helped me afterwards, because I didn't --
 18 18 Debbie -- I didn't discuss this until later. I was
 19 19 embarrassed and I was ashamed to talk even to my family
 20 14:47 20 members about this. It's embarrassing.
 21 21 Q. Okay. So are you saying that the reason you
 22 22 didn't go ask for help before --
 23 23 A. I'm embarrassed. I'm ashamed.
 24 24 Q. Okay. I understand.
 25 14:47 25 MR. CAYCEDO: Robert, take a second and

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1 1 listen to his question.
 2 2 A. Oh, my God.
 3 3 Q. (By Mr. Barron) If that's the reason, that's
 4 4 the reason. I just -- I want to know. My client has a
 5 14:47 5 right to know.
 6 6 A. It's hard to -- to talk to them like that.
 7 7 Q. Okay. All right. So your testimony is that
 8 8 you were -- before the knife incident you were
 9 9 embarrassed to go talk to your family and ask for help?
 10 14:47 10 A. I feel ashamed. I feel less of a man.
 11 11 Q. All right. All right. Let's talk about the
 12 12 incident in April. On April 6th Mr. Castillo put a
 13 13 knife to your throat, right?
 14 14 A. What -- what page are you on?
 15 14:48 15 Q. I'm not. I'm not on here. I'm just asking
 16 16 you what happened. So tell me what happened on April
 17 17 6th, everything that you can remember. I want to start
 18 18 from the very beginning. What time did you come to work
 19 19 that day?
 20 14:48 20 A. 4:00 to 12:00.
 21 21 Q. Okay.
 22 22 A. I believe 4:00 to 12:00.
 23 23 Q. Okay. Did you -- did you come to work at
 24 24 4:00?
 25 14:48 25 A. I think it was 4:00 to 12:00, I believe I

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1 1 started.
 2 2 Q. What time did -- what time did Mr. --
 3 3 A. He came at 5:00.
 4 4 Q. Okay. Let me make sure. For the record, I
 5 14:48 5 was asking what time Mr. Castillo came to work that day.
 6 6 A. I came in at 4:00.
 7 7 Q. Okay. And Mr. Castillo -- I'm sorry, yeah.
 8 8 Mr. Castillo came in at what time?
 9 9 A. He came in at 5:00.
 10 14:48 10 Q. All right. And what -- what were your job
 11 11 duties on April 6th? What were you doing?
 12 12 A. Me?
 13 13 Q. Yeah.
 14 14 A. I came -- I was straightening up the back room
 15 14:49 15 for the load -- to unload the truck.
 16 16 Q. So you got a truck that day?
 17 17 A. We get a truck every day.
 18 18 Q. Okay. And so your responsibilities were to
 19 19 unload that truck and break it down?
 20 14:49 20 A. I break -- I break not the whole truck down
 21 21 but the majority -- most of it, like the -- the stuff
 22 22 that goes in the inside.
 23 23 Q. Right.
 24 24 A. And then you got stuff that goes in the
 25 14:49 25 outside cooler. I was breaking the inside stuff.

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1 1 That's what I do, break -- the majority of that.
 2 2 Q. And what was Mr. Castillo's job
 3 3 responsibilities that day? Was he on the cutting fruit?
 4 4 A. He was going to cut fruit.
 5 14:49 5 Q. Okay. About what time did the knife incident
 6 6 occur on April 6th?
 7 7 A. I'd say around 10:30 in the morning.
 8 8 Q. What were you doing at 10:30 in the morning?
 9 9 A. I was cutting fruit. I was cutting fruit --
 10 14:49 10 not cutting fruit. I mean, I was cutting the -- the
 11 11 green like stuff, the green leaf and everything. And I
 12 12 had my buggy loaded up and I'm fixing to go out -- out
 13 13 the door.
 14 14 Q. Okay. So let me slow -- slow you down.
 15 14:50 15 Exactly where were you in the produce back room?
 16 16 A. When he grabbed me, you mean?
 17 17 Q. Yeah, or right before. Where were you in the
 18 18 produce back room?
 19 19 A. I was in the -- by the sink. I was by the
 20 14:50 20 sink. And he would walk -- when he came in, when he
 21 21 walked by, he was making fun of my hair.
 22 22 Q. All right. What did he say about your hair?
 23 23 A. That I need to do something with my hair, like
 24 24 put gel or something. He goes, It looks bad.
 25 14:50 25 Q. Was there something different about your hair

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1 1 that day?

2 2 A. I don't know, maybe it'd stand up. I don't

3 3 know.

4 4 Q. I'm just saying, were you wearing a hat or

5 14:50 5 something? I mean, was there any reason --

6 6 A. Sometimes I do wear a hat, sometimes I don't.

7 7 Q. Okay.

8 8 A. But I try to keep it short.

9 9 Q. Okay. Like, for example, if I take off my hat

10 14:50 10 after I've been wearing it for a while, my hair might

11 11 look a little messy. So my question is -- and -- and

12 12 I'm not saying that did or didn't happen. I'm just

13 13 asking you, was there anything in particular --

14 14 A. He --

15 14:50 15 Q. -- about that -- your hair that day that he

16 16 was commenting on?

17 17 A. I don't know. He said he didn't like it. He

18 18 said I need some -- to do something with it. I don't

19 19 know.

20 14:50 20 Q. Did your hair look the same that day as it

21 21 looks every other day?

22 22 A. Pretty much.

23 23 Q. Had he said anything about your hair earlier

24 24 that shift, or was that the first time?

25 14:51 25 A. That's the first time he ever said something

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1 1 like that about my hair.

2 2 Q. Had anybody else at Kroger said anything about

3 3 your hair that day?

4 4 A. People say I'm losing my hair.

5 14:51 5 Q. Okay.

6 6 A. Yeah, like right here in front.

7 7 Q. All right.

8 8 A. That's about it.

9 9 Q. Is that -- is that the only thing -- only

10 14:51 10 thing that you heard about your hair at Kroger?

11 11 A. Pretty much.

12 12 Q. Okay. On that same day, did anybody else

13 13 tease you about your hair other than --

14 14 A. Oh, no.

15 14:51 15 Q. -- Mr. Castillo?

16 16 A. No, just him.

17 17 Q. All right. So -- so he made a comment about

18 18 your hair. What happened next?

19 19 A. And I said -- I said, Don't worry about my

20 14:51 20 hair, just don't worry about me. I said, Just don't

21 21 worry about me. Leave -- leave me alone. Worry about

22 22 your hair. Don't worry about my hair. My hair is fine.

23 23 Q. All right. What happened next?

24 24 A. It's like he was -- he was pacing, like he was

25 14:51 25 mad. He was mad in the back room, like he was mad. And

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1 1 then Andres was there. He was working at the cut fruit

2 2 section. And he was later working right there, right

3 3 next to him.

4 4 Q. Next to who, Castillo?

5 14:52 5 A. Yeah. Andres was over here. Andres here and

6 6 David right here.

7 7 Q. Okay. And -- and since the -- the transcript

8 8 won't show where your fingers were placed, you have them

9 9 about --

10 10 A. That --

11 11 Q. -- an inch apart.

12 12 A. That --

13 13 Q. In real -- in real feet --

14 14 A. I think --

15 14:52 15 Q. -- distance, how -- how far is that?

16 16 A. I don't know. But David was working right --

17 17 okay. I was working first over here by the door, I

18 18 mean, by the sink, by the door.

19 19 Q. Yeah.

20 14:52 20 A. And farther, like you could put almost two

21 21 pallets there, and then he was working at that first

22 22 sink. David was working the first sink. And next to

23 23 David was Andres.

24 24 Q. Okay. So Mr. Castillo was about two pallets

25 14:52 25 away from you? Is that what you're saying, two pallets'

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1 1 distance?

2 2 A. The amount of space?

3 3 Q. Yeah.

4 4 A. Between there and there? Maybe three maybe, I

5 14:52 5 don't know, a little bit more. Three and a half.

6 6 Q. All right.

7 7 A. But the distance, maybe, I'm not sure of the

8 8 distance.

9 9 Q. And Andres, who is another Kroger produce

10 14:53 10 department employee, was -- was working right next to

11 11 Mr. Castillo?

12 12 A. Uh-huh.

13 13 Q. Okay. Then -- so what happened?

14 14 A. He -- when I was walking by him --

15 14:53 15 Q. Yeah.

16 16 A. -- he came behind me. He -- he came behind

17 17 me.

18 18 Q. Okay. So you walked --

19 19 A. He put --

20 14:53 20 Q. Hold on. You walked towards Mr. --

21 21 A. Yeah --

22 22 Q. -- Castillo?

23 23 A. -- I was going -- yeah, I was going -- going

24 24 outside.

25 14:53 25 Q. Okay.

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1 1 A. I was going outside.
 2 2 Q. So you had to pass by him?
 3 3 A. Yes.
 4 4 Q. All right.
 5 14:53 5 A. And he grabbed me and he started choking me,
 6 6 and he choke -- was choking me, and he had the knife on
 7 7 me --
 8 8 Q. Okay.
 9 9 A. -- like this.
 10 14:53 10 Q. So he grabbed you --
 11 11 A. He had me like this, and he had a knife
 12 12 against my throat and put pressure against it.
 13 13 Q. Okay. Just for the record, you had your arms
 14 14 sort of wrapped around your shoulder and you -- you're
 15 14:53 15 saying that he put -- put the knife to your throat?
 16 16 A. No, I had my hands right here where my arms
 17 17 are down.
 18 18 Q. Okay.
 19 19 A. He had his arm around my neck and he was
 20 14:53 20 choking me. And he got a knife and he had the knife
 21 21 pinned against my throat like this.
 22 22 Q. Okay.
 23 23 A. And I got this hand, pushed it away, and I
 24 24 went underneath it and I took off.
 25 25 Q. Okay.

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1 1 A. And I couldn't talk after that.
 2 2 Q. Was -- how long did that event happen? Was it
 3 3 pretty quick or --
 4 4 A. It wasn't --
 5 5 Q. -- or did you struggle?
 6 6 A. -- that quick, no.
 7 7 Q. Well, did you struggle with him for a little
 8 8 while or --
 9 9 A. I couldn't move because the knife was against
 10 14:54 10 my -- the blade was against my throat. I couldn't
 11 11 struggle or move around. He had me real tight.
 12 12 Q. Okay. Now, when you say he -- so he -- he had
 13 13 you with one arm around your -- your neck, is that
 14 14 right?
 15 14:54 15 A. Yes.
 16 16 Q. And then he had -- in his hand he had a knife
 17 17 that he put to your throat?
 18 18 A. Yes.
 19 19 Q. The arm that he had around your neck, did he
 20 14:54 20 have his arm around your neck or his hand to your neck?
 21 21 In other words --
 22 22 A. No, his arm.
 23 23 Q. Okay. Kind of like a choke hold?
 24 24 A. Yes.
 25 14:54 25 Q. Okay. Could you breathe?

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1 1 A. I could but it was hurting. It was hurting.
 2 2 He was hurting me.
 3 3 Q. Okay. The knife that he put to your throat,
 4 4 how close did the knife get to your throat?
 5 14:54 5 A. It was -- it was on my neck.
 6 6 Q. It was touching your neck?
 7 7 A. Yes. I felt the blade on my neck.
 8 8 Q. And this is the -- about a four- to six-inch
 9 9 produce knife, is that what -- like a trim knife?
 10 14:55 10 A. Yes.
 11 11 Q. You use it to trim the -- the green
 12 12 vegetables?
 13 13 A. I trim them, yeah. I trim them and put them
 14 14 on my rack.
 15 14:55 15 Q. It's a different knife, for example, than that
 16 16 you would use for cutting fruit?
 17 17 A. He used it to cut fruit, too.
 18 18 Q. He did?
 19 19 A. Uh-huh, same knife. But he had -- we got
 20 14:55 20 other knives to cut fruit, but he was using that -- he
 21 21 had that knife on him.
 22 22 Q. All right. So after this happened, he put the
 23 23 knife to your throat, you pushed him away, what did you
 24 24 do next?
 25 14:55 25 A. I ran out the doors, those -- those -- those

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1 1 doors.
 2 2 Q. To the sales floor?
 3 3 A. Yeah, I went out to the floor and took off.
 4 4 Q. And then what did you do?
 5 14:55 5 A. I couldn't talk. I was in a state of shock.
 6 6 Q. So what did you do?
 7 7 A. I tried to get some air, and then I got -- I
 8 8 talked to Andres about it.
 9 9 Q. Well, Andres is in the back room, right?
 10 14:55 10 A. Yes. I came back later, not right there --
 11 11 right there and then.
 12 12 Q. But I -- I want a -- I want a very -- I want
 13 13 you to do your best to tell me step by step what you
 14 14 did. So you -- you went -- you went out the door onto
 15 14:56 15 the sales floor. So now you're out in front of
 16 16 customers, right?
 17 17 A. Yes.
 18 18 Q. You weren't crying or anything, were you?
 19 19 A. No. I was in a state of shock. I couldn't
 20 14:56 20 speak at that moment.
 21 21 Q. So you didn't -- you didn't cry or have any
 22 22 visible display of emotion at that point, right?
 23 23 A. I couldn't speak. I was in a state of shock.
 24 24 MR. BARRON: I'm going to object to that
 25 14:56 25 as being nonresponsive.

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1 1 Q. (By Mr. Barron) I just need you to answer my
2 2 question.
3 3 A. I don't understand.
4 4 Q. Yeah. Did -- did you cry immediately after he
5 14:56 5 put the knife to your throat?
6 6 A. I was upset.
7 7 Q. Did you cry?
8 8 A. I had --
9 9 Q. Hold on. Just understand --
10 10 A. Maybe that's why --
11 11 Q. Hold on.
12 12 MR. BARRON: I'm going to object --
13 13 object to that as being nonresponsive.
14 14 Q. (By Mr. Barron) Listen to my question and
15 14:56 15 just answer it. Did you cry immediately after he put
16 16 the knife to your throat?
17 17 A. I don't remember --
18 18 Q. Okay.
19 19 A. -- whether I did or not.
20 14:56 20 Q. Did -- did you get -- did you get angry and
21 21 chase him down?
22 22 A. No.
23 23 Q. Okay. Did you get into a fight with him?
24 24 A. No.
25 14:56 25 Q. Did you go report it to management at the

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1 1 time?
2 2 A. I talked to -- to Andres about it.
3 3 Q. Okay. Andres is not in Kroger management,
4 4 right?
5 14:57 5 A. I discussed it with Tony.
6 6 Q. Okay. On that same day?
7 7 A. No.
8 8 Q. Okay. Well, listen to my question real
9 9 carefully. I'm talking immediately after it happened on
10 14:57 10 April 6th, you didn't cry, right? Right?
11 11 A. I don't remember if I did.
12 12 Q. Okay. You didn't -- you didn't chase down
13 13 Mr. Castillo and confront him, right?
14 14 A. I didn't talk to him after -- after that
15 14:57 15 happened.
16 16 MR. BARRON: I'm going to object to that
17 17 as being nonresponsive.
18 18 Q. (By Mr. Barron) You did not chase him down
19 19 and confront him, did you?
20 14:57 20 A. No.
21 21 Q. You did not go to anybody in Kroger management
22 22 that day after it happened, did you?
23 23 A. No.
24 24 Q. You did not call the police that day, did you?
25 14:57 25 A. No.

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1 1 Q. You did not call Kroger human resources that
2 2 day, did you?
3 3 A. No.
4 4 Q. You did not call Kroger's 1-800 help line that
5 14:57 5 day, did you?
6 6 A. No.
7 7 Q. You did not tell anybody in authority about
8 8 what Mr. Castillo had done on April 6th, 2012, did you?
9 9 MR. CAYCEDO: Objection, vague.
10 14:58 10 A. I -- I don't understand.
11 11 Q. (By Mr. Barron) You did not tell anybody in
12 12 authority on April 6th, 2012 what had happened with
13 13 Mr. Castillo?
14 14 MR. CAYCEDO: Same objection.
15 14:58 15 A. Yes, I talked to Andres about it.
16 16 Q. (By Mr. Barron) Okay. Mr. Andres, again,
17 17 he's not a member of Kroger management, right?
18 18 A. Yes. Tony told me not to -- to go upstairs
19 19 anymore and make any more reports.
20 14:58 20 MR. BARRON: Objection, nonresponsive.
21 21 Q. (By Mr. Barron) Mr. -- Andres, I think, is
22 22 his first name; he's not a member of Kroger management,
23 23 correct?
24 24 A. Yes. No, he's not.
25 14:58 25 Q. Okay.

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1 1 A. Well, he's -- he's -- he's, like, a backup
2 2 manager. He's assistant manager.
3 3 Q. He's assistant manager for what?
4 4 A. Produce.
5 14:58 5 Q. Okay. That's not an official title that you
6 6 know of, is it?
7 7 A. He just helps -- helps Tony, like, ordering
8 8 and stuff.
9 9 Q. He's a member of the union, isn't he, as far
10 14:58 10 as you know?
11 11 A. I think so. I'm not sure.
12 12 Q. What did you talk about with Andres? Tell me
13 13 what you discussed with Andres.
14 14 A. About the situation.
15 14:59 15 Q. Yeah.
16 16 A. About what happened to me. He said that I
17 17 need to go to the police and -- and report it.
18 18 Q. And what did you say?
19 19 A. I said, You're right, I'm going to.
20 14:59 20 Q. Did you tell anybody -- did you talk about
21 21 that -- that event, the knife incident, with anybody
22 22 that day other than Andres?
23 23 A. No.
24 24 Q. What --
25 14:59 25 A. You mean, the managers?

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1 1 Q. Anybody. Anybody.
 2 2 A. Until the next day.
 3 3 Q. The whole world?
 4 4 A. No.
 5 14:59 5 Q. That same day, on that day, April 6th, did you
 6 6 talk with -- about the knife incident with anybody in
 7 7 the world --
 8 8 A. Yes.
 9 9 Q. -- other than Andres?
 10 14:59 10 A. Yes.
 11 11 Q. Okay. Who?
 12 12 A. Crystal.
 13 13 Q. Okay. When did you talk to her?
 14 14 A. I went home, and I went to her house.
 15 14:59 15 Q. All right. That same night --
 16 16 A. Yes.
 17 17 Q. -- or afternoon, I should say?
 18 18 A. Uh-huh.
 19 19 Q. About what time?
 20 14:59 20 A. Probably around 3:00 something. I'm not
 21 21 sure --
 22 22 Q. All right.
 23 23 A. -- exact time.
 24 24 Q. Tell me what you discussed with her.
 25 14:59 25 A. What -- the things he was doing to me, that I

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1 1 needed to go to the police because Kroger management
 2 2 were not doing nothing for me. And I said -- and she
 3 3 goes, Why don't you go to managers? I said, Why?
 4 4 They're not going to believe me. They never believe
 5 15:00 5 anything I tell them. So why do I go tell them
 6 6 something and then they're not going to believe me.
 7 7 They're just going to laugh in my face like they did
 8 8 with other things. I said, I'm not going to go to them
 9 9 because they're not helping me in any way, in any form,
 10 15:00 10 in this situation. That's why I went to the police.
 11 11 Why I'm going to go to Mr. Childs so he can laugh in my
 12 12 face and tell me, That's not true. That's your say
 13 13 against his say. It's useless talking to him. He was
 14 14 not going to do anything for me.
 15 15 Q. Okay.
 16 16 A. I knew he wasn't.
 17 17 Q. Now, are -- are you saying that those are the
 18 18 things you said --
 19 19 A. How I felt --
 20 15:00 20 Q. -- to Crystal?
 21 21 A. -- inside my heart --
 22 22 Q. Yeah.
 23 23 A. -- because he's not going to do anything for
 24 24 me. He hasn't done anything for me since day one in the
 25 15:00 25 situation I've been dealing with David Castillo --

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1 1 MR. BARRON: I'm going to --
 2 2 A. -- so what makes you think he's going to help
 3 3 me in this situation?
 4 4 MR. BARRON: I'm going to object to that
 5 15:00 5 as being nonresponsive.
 6 6 Q. (By Mr. Barron) I understand that's how you
 7 7 feel, and I'm not -- I'm not arguing with you. But my
 8 8 question is: What did you tell Crystal?
 9 9 A. What happened to me.
 10 15:01 10 Q. Okay. And tell -- tell me again what you told
 11 11 -- I want to know everything you told Crystal that day.
 12 12 A. That he had me in a choke hold and he was
 13 13 going to slice my throat. And he called me a little
 14 14 fuck.
 15 15:01 15 Q. Okay. Are you say -- so when -- when he put
 16 16 you in the choke hold and put a knife --
 17 17 A. He told me --
 18 18 Q. -- to your throat --
 19 19 A. -- in my -- in my ear. He said, I'm going to
 20 15:01 20 kill you, you little fuck.
 21 21 Q. Okay. Did he say anything else to you?
 22 22 A. That I recall, no.
 23 23 Q. Did he do anything else to you that day?
 24 24 A. After that day, after that happened?
 25 15:01 25 Q. No, that day. I'm talking -- we're just on

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1 1 April 6th now.
 2 2 A. Huh?
 3 3 Q. That same day, April 6th.
 4 4 A. That same day?
 5 5 Q. Yeah, I want to know --
 6 6 A. After that --
 7 7 Q. -- if he did --
 8 8 A. -- after he did that to me, he didn't -- he
 9 9 didn't mess with me the rest of the day.
 10 15:01 10 Q. Okay.
 11 11 A. He never said he was sorry. He never said
 12 12 nothing to me.
 13 13 Q. So you didn't have any other words with him
 14 14 that day?
 15 15:01 15 A. No, we never talked the rest of the day.
 16 16 Q. Okay. Now, you said you talked to Crystal on
 17 17 April 6th. Did you talk to anybody else on April 6th
 18 18 about the knife incident?
 19 19 A. No, I just talked to Crystal.
 20 15:02 20 Q. No one else in your family?
 21 21 A. I think my son Robert Scott, if I remember.
 22 22 Q. What did you tell Robert Scott?
 23 23 A. What happened to me.
 24 24 Q. What did he say?
 25 15:02 25 A. That's horrible.

ORAL AND VIDEOTAPED DEPOSITION OF
ROBERT SALINAS

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROBERT SALINAS)
)
VS.) CIVIL ACTION NO.
) 4:14-CV
KROGER TEXAS, L.P.)

REPORTER'S CERTIFICATION TO THE
DEPOSITION OF ROBERT SALINAS
TAKEN ON JUNE 2, 2015

I, MYLINDA TUBBS FAIRCLOTH, Certified Shorthand
Reporter in and for the State of Texas, hereby certify
to the following:

That the witness, ROBERT SALINAS was duly sworn by
the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness.

That the deposition transcript was made available
on June 15, 2015 to the witness or to the attorney for
the witness for examination, signature, and return to
Elite Reporting Service, Inc., by July 15, 2015.

That the amount of time used by each party at the
deposition is as follows:

Mr. Frank J. Caycedo - 0 hours, 5 minutes;
Mr. David L. Barron - 5 hours, 20 minutes;
Mr. Brock C. Akers - 0 hours, 0 minutes.

That pursuant to information given to the
deposition officer at the time said testimony was taken,

ORAL AND VIDEOTAPED DEPOSITION OF
ROBERT SALINAS

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1 the following includes all parties of record:

2 Mr. Frank J. Caycedo, Attorney for Plaintiff;

3 Mr. David L. Barron, Attorney for Defendant;

4 Mr. Brock C. Akers, Attorney for Defendant.

5 I further certify that I am neither counsel for,
6 related to, nor employed by any of the parties in the
7 action in which this proceeding was taken, and further
8 that I am not financially or otherwise interested in the
9 outcome of this action.

10 Further certification requirements will be
11 certified to after they have occurred.

12 Sworn to by me this 12th day of June, 2015.

13 
14

15 MYLINDA TUBBS FAIRCLOTH, CSR
16 Certification No. 2896
17 Expiration Date: 12-31-16

18 ELITE REPORTING SERVICE, INC.
19 Registration No. 75
20 5090 Richmond Avenue, #500
21 Houston, Texas 77056
22 (713) 623-4434
23 Fax (832) 518-2302
24
25

June 2, 2015

ORAL AND VIDEOTAPED DEPOSITION OF
ROBERT SALINAS

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COURT REPORTER'S FURTHER CERTIFICATION

The original deposition transcript or Changes and
Signature page ____ was or ☒ was not returned to the
deposition officer. If returned, date received:

N/A;

If returned, the attached Changes and Signature
page contains any changes and the reasons therefor;

If returned, the original deposition transcription
was delivered to Mr. David L. Barron for safekeeping on

7/22/15;

That a copy of this certificate was served on all
parties shown herein.

Witness my hand this 21st day of July,
2015.

MYLINDA TUBBS FAIRCLOTH, CSR
Certification No. 2896
Expiration Date: 12-31-16

ELITE REPORTING SERVICE, INC.
Registration No. 75
5090 Richmond Avenue, #500
Houston, Texas 77056
(713) 623-4434
Fax (832) 518-2302

June 2, 2015

Elite Reporting Service, Inc.